IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
WRIT PETITION NO : 19789 of 1994

Between:
1 Uppini Umamaheswarappa S/o. Pedda Basawappa.
Kurnool.
2 Uppini Peethambarappa, Kurnool.

.....
PETITIONERS

AND

District Special Welfare Officer, (Land Acquisition Officer),
Kurnool.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order, particularly one in the nature of Mandamus directing the respondents to make a reference under section 18 of the Land Acquisition Act with respect to the adjudication of the lands of the petitioners which were acquired in the year 1976 in Survey Nos. 191 and 304/1 in Pasupula Village, Banaganapalle Tq., Kurnool District.

Counsel for the Petitioners : MR.R.V.SUBBA RAO

Counsel for the Respondent : G.P. for Revenue

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The Court Made the Following O R D E R:

The petitioners seek issuance of a writ of mandamus directing the respondent to make a reference under Section 18 of the Land Acquisition Act (for short 'the Act') with respect to acquisition of the lands of the petitioners which were acquired in the year 1976 situate in Survey Nos. 191 and 304/1 of Pasupula village, Banaganapalle Taluk, Kurnool District.

There is no dispute whatsoever, that the lands belonging to the petitioners were acquired vide notification published in the District Gazettee dated 13-02-1976, for a public purpose of providing house sites to the weaker sections of the society. The Land Acquisition Officer passed an Award No. 42/76-77, dated 20-10-1976. According to the petitioners they sought for a reference but the same was not referred by the Land Acquisition Officer. Therefore, they filed Writ Petition No.3243 of 1977, seeking a writ of mandamus as against the respondent directing him to refer the matter under Section 18 of the Act to a competent Court of civil jurisdiction. The said Writ Petition was allowed by this Court vide its order dated 19-08- 1978. The respondent did not implement the said order and therefore, the petitioners have chosen to file O.S.No. 68 of 1986 in the Court of the I Addl. Subordinate Judge, Kurnool, for recovery of the compensation amount. The said suit was disposed of by the learned Judge, Kurnool by his Judgment dated 03-10-1988, directing the respondent to comply with the

directions of this Court in W.P.No.3243 of 1977, and refer the matter to the civil Court within three months from that date. That inspite of the same, the respondent had chosen not to refer the matter to the competent Court of civil jurisdiction. It is under those circumstances, the present Writ Petition has been filed.

In my considered opinion, the Writ Petition is absolutely frivolous in its nature. The petitioners are indulging in frivolous litigation. This writ petition has been filed in the year 1994 after a long lapse of disposal of the suit by the trial Court on 03-10-1988. The petitioners, instead of filing a Contempt Case before this Court, complaining against the respondent for his deliberate and willful negligence in implementing the Judgment of this Court dated 19-08-1978, have chosen to file the suit which is otherwise, not maintainable in law. But even after the disposal of the suit, the petitioners did not care to pursue proper remedies. It is under those circumstances, this Court is constrained to observe that the petitioners are indulging in speculative litigation.

I find no merit in the Writ Petition and the same shall accordingly stand dismissed. No order as to costs.

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B.SUDERSHAN REDDY, J

01-07-2004.

MJL/MSV*

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. District Social Welfare Officer, (Land Acquisition Officer), Kurnool.
2. Two CCs to the G.P. for Revenue, High Court of A.P.Hyderabad (OUT).
3. 2 CD copies.
4. one spare copy.